

replied, "Of course he'll run, Mrs. Kennedy. After all, he's very young. He's only 73." Mother looked at the guest for a second and then answered him with a twinkle in her voice: "You're just trying to flatter me. I know that he's the oldest President in American history." Unless it came from her, there was no blarney when Mother was around.

So what now secures for Rose Fitzgerald Kennedy the high place in history that she will have? I think it is most of all the warm place she holds in the hearts of so many people everywhere, from Boston to Dublin, from Berlin to New Delhi to Buenos Aires. Millions who never met her sensed the kind of rare and wondrous person she was, a shining example of the faith that sustained her through even the hardest sorrow. She had an inner strength that radiated from her life. She was a symbol of family in this country and around the world.

She cared for a retarded child as much as for the most powerful statesman. She truly did believe that we are all, royalty and disability alike, created in the image and likeness of God.

She was the granddaughter of immigrants who saw her father become the first Irish-Catholic Congressman from Boston, and her son and grandson succeed him. She saw three sons serve in the Senate—actually she was sure that it was her campaigning that put us there—and we all thought that as usual she was right. She saw the son who proudly carried her Fitzgerald name become the first Irish-Catholic President of the United States.

And she was just as proud to see a new generation of her family carrying on her belief in public service.

But Mother also taught us that you do not have to run for office to make a difference. She was equally proud of her daughters and the contributions they have made. Jean—the founder of Very Special Arts and now, like our father before her, the Ambassador. Pat, for the pioneering support she has given to young writers. Eunice, founder of Special Olympics and the leader of a global revolution of human rights for the retarded and disabled.

And Mother had a special place in her heart and prayers for our sister Rosemary, for her bravery and the things she taught us all.

Mother gave not only to her children, but she gave her children, fired with her own faith, to serve the Nation and the earth. To us, she was the most beautiful Rose of all the roses in the world. Her life shows us the truth and the way.

Mother knew this day was coming, but she did not dread it. She accepted and even welcomed it, not as a leaving, but as a returning. She has gone to God. She is home. And at this moment she is happily presiding at a heavenly table with both of her Joes, with Jack and Kathleen, with Bobby and David.

And as she did all our lives, whether it was when I walked back through the rain from school as a child, or when a President who was her son came back to Hyannis Port, she will be there ready to welcome the rest of us home someday. Of this I have no doubt, for as they were from the beginning, Mother's prayers will continue to be more than enough to bring us through.

Not long ago, I found a beautiful poem that symbolizes what all of us feel today. Its title is "The Rose Still Grows Beyond the Wall:"

Near a shady wall a rose once grew,  
Budded and blossomed in God's free light,  
Watered and fed by morning dew,  
Shedding its sweetness day and night.  
As it grew and blossomed fair and tall,  
Slowly rising to loftier height,  
It came to a crevice in the wall,

Through which there shone a beam of light.

Onward it crept with added strength,  
With never a thought of fear or pride.  
It followed the light through the crevice's length

And unfolded itself on the other side.  
The light, the dew, the broadening view  
Were found the same as they were before;  
And it lost itself in beauties new,  
Breathing its fragrance more and more.

Shall claim of death cause us to grieve,  
And make our courage faint or fail?  
Nay! Let us faith and hope receive;  
The rose still grows beyond the wall,  
Scattering fragrance far and wide,  
Just as it did in days of yore,  
Just as it did on the other side,  
Just as it will for evermore.

#### THE BIOMATERIALS ACCESS ASSURANCE ACT

Mr. MCCAIN. Mr. President, I am pleased to be the primary cosponsor of the Biomaterials Access Assurance Act of 1995 to ensure the availability of raw materials and component parts for implantable medical devices. This bill, which we introduced as S. 2215 last year, is necessary for Americans to have continued access to a wide variety of life-saving devices, such as brain shunts, heart valves, artificial blood vessels, and pacemakers.

Currently, the manufacturers and suppliers of materials used in implantable medical devices are subject to substantial legal costs and possibly liability for selling small amounts of materials to medical device manufacturers. These sales generate relatively small profits and are often used for purposes beyond their direct control. Consequently, some of the manufacturers and suppliers of these materials are now refusing to provide them for use in medical devices.

It is absolutely essential that a continued supply of raw materials and component parts is available for the invention, development, improvement, and maintenance of medical devices. Most of these devices are made with materials and parts that are not designed or manufactured specifically for use in implantable devices. Their primary use is in non-medical products. Medical device manufacturers use only small quantities of these raw materials and component parts, and this market constitutes a small portion of the overall market for such raw materials.

While raw materials and component parts suppliers do not design, produce or test the final medical implant, they have been sued in cases alleging inadequate design and testing of, or warnings related to use of, permanently implanted medical devices. The cost of defending these suits often exceeds the profits generated by the sale of materials. This is the reason that some manufacturers and suppliers have begun to cease supplying their products for use in permanently implanted medical devices.

Unless alternative sources of supply can be found, the unavailability of raw materials and component parts will

lead to unavailability of life-saving and life-enhancing medical devices. The prospects for development of new sources of supply for the full range of threatened raw materials and component parts are remote, as other suppliers around the world are refusing to sell raw materials or component parts for use in manufacturing permanently implantable medical devices in the United States.

The legal concerns that are causing the unavailability of raw materials and component parts for medical implants are part of a larger product liability crisis in this country. Immediate action is necessary to ensure the availability of such materials and parts for medical devices so that Americans have access to the devices they need. Addressing this problem will solve one important aspect of our broken medical product liability system.

This issue initially came to my attention when I was contacted by one of my constituents, Linda Flake Ransom, about her 7-year-old daughter, Tara, who requires a silicon brain shunt. Without a shunt, due to Tara's condition called hydrocephalus, excess fluid would build up in her brain, increasing pressure, and causing permanent brain damage, blindness, paralysis, and ultimately death. With the shunt, she is a healthy, happy, and productive straight-A student with enormous promise and potential.

Tara has already undergone the brain shunt procedure five times in her brief life. However, the next time that she needs to replace her shunt, it is not certain that a new one will be available due to the unavailability of shunt materials. This situation is a sad example of a medical liability system that is out of control. It is tragic, but not surprising that manufacturers have decided not to provide materials if they are subject to tens of millions of dollars of potential liability for doing so.

It is essential that individuals such as Tara continue to have access to the medical devices they need to stay alive and healthy. Enacting the Biomaterials Access Assurance Act of 1995 would help to ensure the ongoing availability of materials necessary to make these devices. It would not, in any way, protect negligent manufacturers or suppliers of medical devices, or even manufacturers or suppliers of biomaterials that make negligent claims about their products. However, it would protect manufacturers and suppliers whose materials are being used in a manner that is beyond their control.

Mr. President, we must act quickly to pass the bill to ensure that the lives of Tara and thousands of other Americans are not jeopardized.

#### LBJ AND THE BALANCED BUDGET

Mr. HOLLINGS. Mr. President, I would like to include in the RECORD an article by Jack Valenti that appeared

in the Los Angeles Times on Jan. 20 on the Presidency of Lyndon B. Johnson.

Mr. Valenti enumerates many of President Johnson's accomplishments, including his fight for civil rights and voting rights for all Americans, the initiation of the Medicare and Head Start programs and the passage of the Elementary and Secondary Education Act, which helps provide Federal loans, scholarships, and grants to all American college students.

Indeed, President Johnson's accomplishments are many. And I would emphasize one more, which no President since has matched. Lyndon Johnson not only balanced the Federal budget, but gave Richard Nixon a surplus. In this era of a \$4.8 trillion debt, that is one heck of an accomplishment.

Mr. President, I urge my colleagues to read this article and ask that it be printed in its entirety in the CONGRESSIONAL RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Los Angeles Times, Jan. 20, 1995]

RECALLING A MAN WHO STAYED THE COURSE  
(By Jack Valenti)

On this day 30 years ago, Lyndon B. Johnson was inaugurated in his own right as the 36th President of the United States. He had been elected President the previous November in a landslide of public favor, with the largest percentage of votes in this century, matched by no other victorious President in the ensuing years. This day plus two is also the 22nd anniversary of his death.

Is it odd or is it merely the lament of one who served him as best I could that his presidency and his passing find only casual regard on this day?

He was the greatest parliamentary commander of his era. He came to the presidency with a fixed compass course about where he wanted to take the nation, and unshakable convictions about what he wanted to do to lift the quality of life. Against opposing forces in and outside his own party, in conflict with those who thought he had no right to be President, contradicting conventional wisdom and political polls, he never hesitated, never flagged, never changed course. He was a professional who knew every nook and cranny of the arena, and when he was in full throttle, he was virtually unstoppable.

He defined swiftly who he was and what he was about. He said that he was going to pass a civil-rights bill and a voting-rights bill because, as he declared, "every citizen ought to have the right to live his own life without fear, and every citizen ought to have the right to vote and when you got the vote, you have political power, and when you have political power, folks listen to you." He promptly told his longtime Southern congressional friends that though he loved them, they had best get out of his way or he would run them down. He was going to pass those civil-rights bills. And he did.

He made it clear that he was no longer going to tolerate "a little old lady being turned away from a hospital because she had no money to pay the bill. By God, that's never going to happen again." He determined to pass what he called "Harry Truman's medical-insurance bill." And he did. It was called Medicare.

He railed against the absence of education in too many of America's young. He stood on public rostrums and shouted. "We're going to make it possible for every boy and girl in America, no matter how poor, no matter

their race or religion, no matter what remote corner of the country they live in, to get all the education they can take, by federal loan, scholarship or grant." And he passed the Elementary and Secondary Education Act.

He was in a raging passion to destroy poverty in the land. He waged his own "War on Poverty," giving birth to Head Start and a legion of other programs to stir the poor, to ignite their hopes and raise their sights. Some of the programs worked. Some didn't. But he said over and over again, "If you don't risk, you never rise."

He often said that no President can lay claim to greatness unless he presides over a robust economy. And so he courted, shamelessly, the business, banking and industrial proconsuls of the nation and made them believe what he said. And the economy prospered.

On the first night of his presidency, he ruminated about the awesome task ahead. But there was on the horizon that night only a thin smudge of a line that was Vietnam. In time, like a relentless cancer curling about the soul of a nation, Vietnam infected his presidency.

If there had not been 16,000 American soldiers in Vietnam when he took office, would he have sent troops there? I don't believe he would have. But who really knows? What I do know is that he grieved, a deep-down sorrow, that he could not find "an honorable way out" other than "hauling ass out of there."

I think that grieving cut his life short. Every President will testify that when he has to send young men into battle and the casualties begin to mount, it's like drinking carbolic acid every morning.

But it was all a long time ago. To many young people not born when L.B.J. died, he is a remote, distant figure coated with the fungus of Vietnam. They view him, if at all, dispiritedly.

But to others, to paraphrase Ralph Ellison, because of Vietnam, L.B.J. will just have to settle for being the greatest American President for the undereducated young, the poor and the old, the sick and the black. But perhaps that's not too bad an epitaph on this day so far away from where he lived.

#### COMMENDING TOMAS JICINSKY

Mr. LIEBERMAN. Mr. President, I rise today to honor the exemplary and commendable efforts of Tomas Jicinsky to bring about democracy in the former Czechoslovakia. Mr. Jicinsky was instrumental in orchestrating and supplying democratic forces with information within the former Czechoslovakia. I salute the effort of Glenn Piasecki of Southington, CT, in recognizing Tomas Jicinsky's tireless struggle.

Mr. Jicinsky supplied democratic forces with information within the former Czechoslovakia, and organized underground meetings to begin the eventual downfall of the Communist regime. He worked with Charter 77, an organization dedicated to initiating and sustaining democratic principles throughout the world. I salute Mr. Jicinsky for his dedication to bring about democracy in the former Czechoslovakia.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that I may speak as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. I thank the Chair.

#### EMERGENCY SPENDING CONTROL ACT OF 1995

Mr. FEINGOLD. I rise today to join with my good friend, the Senator from Arizona, Senator MCCAIN, to discuss the measure we recently introduced, the Emergency Spending Control Act of 1995.

I want to just first relate how Senator MCCAIN and I came to work together on this.

After the election, of course, the results were not particularly happy for those of us in the minority party at this point, but the Senator from Arizona [Mr. MCCAIN], even though he is now in the majority, was kind enough to call and say he wanted to work together on a number of reform items during the 104th Congress and that he wanted to do so on a bipartisan basis.

We talked about the revolving door issue, the issue of Members of Congress and staff leaving this institution and going to work for some of the interests that they have worked with and regulated in the past. We talked about the gift ban legislation. We also talked about the issue of what happens sometimes when we have a piece of emergency spending, a disaster bill, that comes before us and sometimes things are added to those bills that have very little to do with the disaster and sometimes have very little at all to do with what is being addressed.

So the Senator from Arizona and I decided to join together and introduce a piece of legislation that would limit the abuse of the emergency legislation. I am happy to say we also have some good bipartisan support in the form of cosponsorship by the Senator from Kansas [Mrs. KASSEBAUM]; the Senator from California [Mrs. FEINSTEIN]; and the Senator from Colorado [Mr. CAMPBELL].

The goal of our bill is simple. It is to limit the consideration of non-emergency matters in emergency legislation.

Mr. President, I think this is the right time for this legislation for many reasons but especially for two. The first is, of course, that once again we have the tragic reality of yet another disaster in this country, in particular in the State of California. This time it is floods, and there is a possibility of another bill arising out of the sympathy and concern and need to help the people of California.

Let me be clear. Even though this legislation is about preventing abuses on these disaster bills, my feelings and concerns for those who have suffered from that disaster are very real, and I know that is true of the Senator from Arizona and everyone who is involved in this legislation.